

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

January 17, 2012 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Jim Sides, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Mitchell convened the meeting at 6:00 pm.

Commissioner Barber provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Ford moved, Commissioner Barber seconded and the vote to approve the minutes of the January 3, 2012 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Sides made a motion to remove item #6 (Discussion Regarding Structure of Board of Commissioners) from the agenda. The motion was seconded by Commissioner Ford and failed 2-3 with Commissioners Mitchell, Coltrain and Barber dissenting.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Barber requested that items E and F on the Consent Agenda be moved to the regular agenda for discussion.

Chairman Mitchell moved the items to #8.2 and #8.3 respectively.

Commissioner Ford requested that item A be placed on the regular agenda for discussion. Chairman Mitchell moved the issue to item #8.4 for discussion.

Commissioner Sides moved approval of the Consent Agenda. The motion was seconded by Commissioner Coltrain and passed unanimously.

The Consent Agenda consisted of the following:

- A. Contract for Design/Construction of Two Miniature Golf Courses at Dan Nicholas Park (moved to item #8.4 for discussion)
- B. Set Public Hearings for February 6, 2012 for CDBG Application and HOME Action Plan
- C. Set Public Hearing for February 20, 2012 for Special Consideration to Realign Entrance of Blackbeard Lane
- D. Agreement with Sprint Wireless to Install a Bi-Directional Amplifier in Sheriff's Office to Improve Cell Phone Coverage
- E. All New Full-time Employees to Pay 10% of Health Insurance Cost Effective January 17, 2012 (moved to item #8.2 for discussion)
- F. Full-time Employees Hired After January 17, 2012 Will Not Be Offered Retiree Health Insurance (moved to item #8.3 for discussion)

2. PUBLIC COMMENT PERIOD

Chairman Mitchell opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Randy Overcash spoke in support of the proposal to locate the Rowan Salisbury Schools (RSS) central office downtown.
- Jeff Morris discussed the structure of the Rowan County Board of Commissioners and the accountability of all Commissioners to the entire County. Mr. Morris spoke in opposition to the proposal on the agenda to increase the Board's structure.
- Reverend Bill Godair, Pastor of Cornerstone Church, said he wished to officially withdraw the Church's offer to sell its property to RSS as a central office location. Pastor Godair discussed what he described as "lies" that had been circulated regarding the Church's offer.
- Dorothy Partlow said she appreciated the attention brought to making Rowan County Parks smoke free.
- John Burke said he and his wife are avid users of Dan Nicholas Park and he spoke in opposition to a smoking ban in Rowan County Parks.

- Byron Perry spoke in support of a ban on smoking in Rowan County Parks. Mr. Perry provided a handout regarding medical costs for secondhand smoke exposure in North Carolina.
- Larry Wright felt the Board should review plans for a proposed central office to ensure funds were spent wisely. Mr. Wright also agreed with comments made by previous speaker, Jeff Morris, concerning the structure of the Board of Commissioners.

With no one else wishing to address the Board, Chairman Mitchell closed the Public Comment Period.

3. RECOGNITION OF ROWAN PUBLIC LIBRARY FOR RECEIPT OF AWARDS

Library Director Jeff Hall reported that Rowan Public Library had been awarded two (2) top awards for outstanding programming in adult and children's services.

The award for outstanding children's programming among large libraries was presented for the J&R Adventure Club. The award for outstanding adult programming among large libraries was presented for "Through a Soldiers Eyes Vietnam Remembered".

Mr. Hall said both of the programs were being held up by the State Library of North Carolina as examples of outstanding programs. Mr. Hall said through the State Library, staff involved in the programs would be providing a webinar for other interested libraries in the state.

Mr. Hall presented the awards to the Board and a round of applause followed the presentation.

The Commissioners expressed their appreciation to Mr. Hall for the work of the Library Staff.

4. PUBLIC HEARING REGARDING PROPOSED APPLICATION FOR CDBG-ED GRANT

Economic Development Commission Project Manager, Scott Shelton, reported that Magna Composites (Magna) planned to increase employment, expanding their existing operations in Rowan County. In order for Magna to be able to do so, significant upgrades to the sewer system serving their facility were required. Mr. Shelton said Magna had more than 300 full time employees in Rowan County and the proposed project would allow them to add 60 more. Mr. Shelton said the physical limitations of the current infrastructure would not allow them to maintain current activity levels or to further grow employment.

Mr. Shelton requested adoption of a resolution applying for \$360,000 in CDBG grant funds for which Magna was eligible due to the proposed job creation. The remaining funding (\$140,000) for the estimated \$500,000 project would be

provided by Salisbury Rowan Utilities (SRU), on Rowan County's behalf, fulfilling the local match required by the CDBG Program.

Commissioner Sides pointed out that information in the agenda packet listed the total project at \$530,000 instead of \$500,000 as indicated by Mr. Shelton. Commissioner Sides inquired as to what the additional \$30,000 was for. Mr. Shelton responded that he was unable to answer the question. Commissioner Sides said he wanted to ensure the County would not be obligated for the additional \$30,000. Mr. Shelton said it was his understanding there would be a secondary agreement between SRU and the County to cover any shortfalls that would not be covered by the grant itself.

Chairman Mitchell said if the Board decided to move forward, he felt the Commissioners could attach to the motion an understanding that SRU covers any required local match.

Commissioner Sides said the public should understand the County was the only agency that could apply for the grant; however, he said all the infrastructure would revert to the City of Salisbury. Commissioner Sides said the benefit to the County would be job creation.

Chairman Mitchell opened the public hearing to receive citizen input regarding the proposed CDBG application. With no one wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Barber moved to approve the Resolution for the Rowan County Application for Community Development Block Grant Funding for the Magna Composite Sewer Project. The motion was seconded by Commissioner Coltrain and passed unanimously.

The Resolution read as follows:

WHEREAS, the Board of Commissioners has previously indicated its desire to assist in economic development efforts within the County; and,

WHEREAS, the Board of Commissioners has held two public hearings concerning the proposed application for a Community Development Block Grant to benefit Magna Composites; and,

WHEREAS, the Board of Commissioners wishes the County to pursue a formal application for a Community Development Block Grant to benefit Magna Composites; and,

WHEREAS, the Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the Rowan County Board of Commissioners that Rowan County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to benefit Magna Composites.

5. PUBLIC HEARING FOR EAST ROWAN LAND USE STUDY

Planning and Development Director, Ed Muire, said the public hearing was the combination of a process that began in June 2011 and was the result of numerous committee meetings and workshops. Mr. Muire said the Planning Board unanimously recommended approval of the document before the Commissioners.

Commissioner Coltrain felt that any approved plan would be shared with all the municipalities. Mr. Muire explained that after the proposed plan had been presented to the Commissioners on January 3, 2012, an email had been sent to surrounding jurisdictions to advise that the document was on the County's website and also advising of the public hearing. Mr. Muire said no feedback had been received.

Chairman Mitchell opened the public hearing to receive citizen input regarding the proposed East Rowan Land Use Plan. With no one wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Coltrain moved approval of the East Rowan Land Use Plan as presented. The motion was seconded by Commissioner Ford.

Commissioner Sides said he would vote against the plan and explained that he felt countywide zoning was sufficient. Commissioner Sides commended the Planning Board and Planning Staff for their work on a plan that was easily understandable.

Commissioner Ford agreed with Commissioner Sides that the County did not need any restrictions on property. Commissioner Ford said he felt having the plan would "speed up" the State's funding for the I-85 corridor.

Upon being put to a vote, the motion passed 4-1 with Commissioner Sides dissenting.

6. DISCUSSION REGARDING STRUCTURE OF BOARD OF COMMISSIONERS

Commissioner Barber posed two (2) questions for the Board's consideration. The first question was, "Should the Rowan County Board of Commissioners be restructured?" Commissioner Barber said he did not have a position on the matter; however, no previous Board had ever discussed the issue.

Commissioner Barber said the Board had consisted of five (5) members since 1868 and he was frequently questioned by Rowan County citizens pertaining to the Board's structure.

Commissioner Barber discussed the methods by which the Board's structure could be changed.

The second question Commissioner Barber posed was whether the Board wished to appoint a Governance Advisory Committee to review the matter and make possible recommendations back to the Commissioners. Commissioner Barber mentioned potential committee members, which included one (1) appointment from each of the County's municipalities.

Commissioner Barber highlighted the three (3) most prevalent methods of elections for Boards of Commissioners. Commissioner Barber repeated that he did not have a position on the issue; however he felt it would be appropriate to appoint a committee to review the matter and allow the citizens to have input.

Commissioner Sides said he had been a sitting Commissioner for nine (9) years and never had one (1) citizen question him regarding the structure of the Board. Commissioner Sides discussed various reasons that he did not support increasing the size of the Board.

Commissioner Ford said he and Commissioner Barber had discussed the issue several years ago and he stated that he did not support putting the issue on the agenda at that time. Commissioner Ford did not feel the State was interested in increasing the size of local government at a time when the State was trying to downsize. Commissioner Ford said "maybe" the issue could be considered far in the future.

Commissioner Coltrain supported giving the citizens the opportunity to provide input on the matter.

Commissioner Barber moved to create a Citizens Governance Advisory Committee. The motion was seconded by Commissioner Coltrain.

Chairman Mitchell said he was not necessarily against the idea; however, he did not feel it was the appropriate time to consider it.

Upon being put to a vote, the motion on the floor failed 2-3 with Commissioners Mitchell, Ford and Sides dissenting.

7. CONSIDER PURCHASE OF FOUR (4) ACRES AT YOUNG'S MOUNTAIN FOR 911 COMMUNICATIONS TOWER

County Manager Gary Page reported that one component for the new 911 Project was the location of three (3) emergency communication towers strategically located around the County. Mr. Page said the towers were for reducing dead spots in the County and helping emergency agencies better communicate with one another.

Mr. Page said the site at Young's Mountain had been identified in the Cleveland area for a price of \$7500 per acre or four (4) acres at \$30,000. Mr. Page said the Tax Administrator felt the price was fair.

Mr. Page said Board approval was needed for the offer to purchase contract. Mr. Page explained that money to pay for property would come from the ¼ cent sales tax the voters approved in November 2009.

Commissioner Sides moved approval of the purchase of four (4) acres at Young's Mountain. The motion was seconded by Commissioner Barber and passed unanimously.

8. CONSIDER SMOKING BAN AT ALL ROWAN COUNTY PARKS

County Manager Gary Page said Mr. Whitey Harwood had asked the Board of Commissioners to consider adoption of an ordinance to ban the use of tobacco products at all Rowan County Parks. Mr. Page said Mr. Harwood was an avid user of Dan Nicholas Park and felt the ban was justified by the harm the products caused to public health.

Mr. Page said Mr. Harwood had first contacted Commissioner Coltrain, who took his request to the Parks and Recreation Commission. Mr. Page said no action was taken and Mr. Harwood is now appealing to the Board of Commissioners.

Commissioner Coltrain said as the liaison to the Parks Board, he would like to share additional information regarding the matter. Commissioner Coltrain explained that on March 22, 2011 the Parks Board had considered the request for a smoking ban and as a result, the Parks Board had implemented a policy to allow no smoking allowed in any parks buildings, on primary playgrounds, at the carousel or the train. Commissioner Coltrain felt it was unnecessary to restrict the use of tobacco products in open spaces. Commissioner Coltrain felt the Board should respect the decision of the Parks Board and take no action on the request.

Commissioner Sides said there are times when the Commissioners do not always follow the recommendations of advisory boards. Commissioner Sides supported banning the use of tobacco products in the County's parks.

Commissioner Sides moved to instruct Planning Staff to develop an ordinance and bring it back to the Board, at which time the Board would set a public hearing. The motion was seconded by Commissioner Ford.

Commissioner Ford said he did not wish to infringe on people's rights; however, he said he was interested in letting Planning Staff review the issue and make recommendations to the Board and allowing the public to have input.

Commissioner Barber said he also did not wish to take away citizens rights. Commissioner Barber felt Planning Staff should bring an ordinance back to the Board and the Commissioners could make a decision at that time.

Chairman Mitchell said he personally did not see the need for an ordinance.

Upon being put to a vote, the motion on the floor passed 3-2 with Commissioners Mitchell and Coltrain dissenting.

ADDITIONS

8.2 ALL NEW FULL-TIME EMPLOYEES TO PAY 10% OF HEALTH INSURANCE COST EFFECTIVE JANUARY 17, 2012

8.3 FULL-TIME EMPLOYEES HIRED AFTER JANUARY 17, 2012 WILL NOT BE OFFERED RETIREE HEALTH INSURANCE

(Both of these items were pulled from the Consent Agenda)

Chairman Mitchell said the Board would now discuss items, #8.2 and #8.3. Chairman Mitchell explained that during the budget process for FY 2011-12, the Board discussed a policy change that would require all new full-time employees to pay 10% of their health insurance premium and also removing the benefit of allowing health insurance to be a provided coverage until an individual reached Medicare age. Chairman Mitchell said the policy change was never formally acted on by the Board.

Commissioner Sides moved to approve the two (2) items, all new full-time employees would pay 10% of health insurance costs, effective January 17, 2012 and full-time employees hired after January 17, 2012 would not be offered retiree health insurance. The motion was seconded by Commissioner Barber.

In response to a query from Commissioner Barber, County Manager Gary Page said all new employees hired after January 17, 2012 would understand they must pay 10% of their insurance premium. Mr. Page said employees must sign off stating they have been informed as to their benefits when they are hired.

Commissioner Ford said the policy change was not intended for current employees and that he felt the change was long overdue for new employees.

Commissioner Coltrain spoke in opposition to the motions. Commissioner Coltrain said he had worked for the State for thirty (30) years and he felt benefits were a tool for recruiting and retaining employees. Commissioner Coltrain felt in the long run it would hurt the County to eliminate the benefits. Commissioner Coltrain said the benefits were important to maintaining the level of needed personnel and sustaining their work ethic.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Coltrain dissenting.

8.4 CONTRACT FOR DESIGN/CONSTRUCTION OF TWO MINIATURE GOLF COURSES AT DAN NICHOLAS PARK (This item was pulled from the Consent Agenda)

Commissioner Ford said he wanted to ensure the public understood that donations would fully fund the two (2) miniature golf courses. Commissioner Ford expressed appreciation to the Parks and Recreation Director, Parks Staff and the Parks Advisory Board for their effort to raise the funds to make the golf courses compliant with the American with Disabilities Act.

Commissioner Ford moved, Commissioner Sides seconded and the vote to approve the request as submitted passed unanimously.

9. REPORTS

The following report was submitted for the Board's consideration:

- Community Child Protection Team (CCPT) Annual Report for 2011

Commissioner Ford moved to accept the report and to appoint the new members to the CCPT as submitted. The motion was seconded by Commissioner Sides and passed unanimously.

10. CONSIDER APPROVAL OF BUDGET AMENDMENT

Finance Director Leslie Heidrick presented the following budget amendment for the Board's consideration:

- Social Services – To reverse budgeted amounts in reserve accounts to actual amounts carried forward from FY 2011 and to budget actual donations received to date - \$4,065

Commissioner Sides moved approval of the budget amendment as presented. The motion was seconded by Commissioner Barber and passed unanimously.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Ford moved to adjourn at 7:20 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/Assistant to the County Manager